

## SECTION 102 OBJECTIONS

The examiner has rejected original claims 1 per Huang, under section 102 indicating that Huang disclosed all the elements of claim 1

Huang teaches a bulb (2) engaged in a socket (not numbered) formed of a sidewall, with the bulb extending above the sidewall of the socket. An ornamental shell (1) engages around the socket of Huang.

This is different from applicants device as claimed and taught in the specification. Applicant's device has a socket assembly (34) (page 8, lines 8-24) formed of an upper section 36 and lower section 38 to surround the LED or light emitting means, and which itself is transparent and difuses light and allows for further connection of casing 28 to further difuse light. The entire socket assembly is transparent to allow light to pass through all parts and difuse therethrough.

Huang neither teaches or describes a light socket any top or bottom wall surrounding a formed cavity defined by a sidewall between the top and bottom wall. The light socket (un numbered or described) of Huang is a socket that holds the bottom of a bulb which projects above the sidewall of the socket. Neither does Huang teach or describe transparent or tranlucent sidewalls and other components of a socket assembly to allow light generated by said means for light emission to be diffused and transmitted and through a top wall, bottom wall, and sidewall

extending between them. Huang instead just employs the casing to do so and lacks the socket assembly claimed by Applicant and the utility therefrom of a first light diffusion component through its transparent structure.

As the court said in Richardson v. Suzuki Motor Co., 9 USPQ2d 1913 at 1920 (Fed. Cir. 1989):

"Rejection for anticipation or lack of novelty requires as the first step in the inquiry, that all the elements of the claimed invention be described in a single reference."

Since Huang lacks elements of applicants device, the objection per Huang is respectfully traversed.

#### SECTION 103 OBJECTIONS

The Examiner also cites the combination of Huang with Liu and Lanzisera per 35 USC §103(a) an obvious combination for other claims objections. Obviousness cannot be established by combining the teachings of the prior art to produce the claimed invention, absent some teaching or suggestion supporting the combination. Under section 103, teachings of references can be combined only if there is some suggestion or incentive to do so. (ACS Hospital Systems, Inc. v. Montefiore Hospital et alCA FC 221 USPQ 929 at 933,1984).

The prior art of record fails to provide any such suggestion or incentive to do so since the Huang citation lacks elements of applicant's device and any combination would also lack elements.

As such, the Examiner's objections per section 103 are respectfully traversed.

### Final Remarks

As noted, Applicant's device claims elements providing function, neither taught or suggested in the cited prior art. Applicant as noted in the specification considers the improvement to be substantial and provide great benefits to the user.

However, even if the Examiner does not consider Applicant's claimed device a great advance, it has been established that one should not be deprived of patent protection where it can be shown that a genuine improvement has been made, on comparison with other intentions in the art, even if the improvement lacks the appearance of a *great* advance in the art.

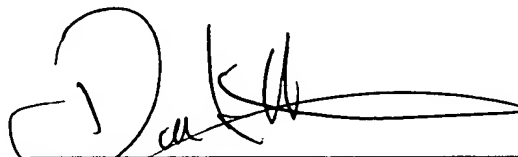
In *re Lange*, 128 USPQ 365, the CCPA on page 367 states that: "We think that the present application is a distinct improvement of Jezalik and represents an advance in the art not obvious, having patentable novelty. The art is a crowded and comparatively simple one and in such an art, great advances are not to be expected. *However patentability will not be denied to an invention which accomplishes a small, but nevertheless genuine improvement not thought of by others..*"

Further, the CCPA in the recent case of *re Meng and Driessen*, 181 USPQ 94, on page 97, reiterated the principal that even though the invention seems a simple advance over prior art, *after the fact*, simplicity, argues *for*, rather than against patentability.

Considering that Applicant's device has elements neither taught or suggested in any one or combination of cited prior art, and, considering that major as well as minor improvements in the art, argue for patentability, the claims of the patent should now be allowable.

Should the Examiner have any further questions or concerns the Examiner wishes to address by Examiner's amendment by telephone or otherwise, or should the Examiner have suggestions to more clearly define the subject matter of the claims to more clearly define the patentable subject matter, the Applicant's attorney would be most receptive to such.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Dennis K. Harms", written over a horizontal line.

Dennis K. Harms  
Reg No 38,911  
Attorney for Applicant  
10/22/05

12702 Via Cortina, Ste. 100  
Del Mar, CA 9014  
Tel: (858) 509-1400  
Fax: (858) 509-1677